

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

CRAIG WILSON, ERIC BELLAMY,
KENDAL NELSON, and MAXIMINO
NIEVES, on behalf of themselves and those
similarly situated,

Petitioners,

v.

MARK WILLIAMS, warden of Elkton
Federal Correctional Institutions; and
MICHAEL CARVAJAL, Federal Bureau of
Prisons Director, in their official capacities,

Respondents.

Case No. 20-cv-0794

Judge James Gwin

THIRD JOINT MOTION FOR STAY OF ALL PROCEEDINGS

Petitioners Craig Wilson, Eric Bellamy, Kendal Nelson, and Maximino Nieves, and Respondents Mark Williams and Michael Carvajal (collectively, the “Parties”) jointly move this Court for a stay of all proceedings in this matter for a further seventeen (17) days, through November 16, 2020. *See* ECF No. 211 (first joint motion for stay through October 9, 2020); ECF No. 228 (second joint motion for stay through October 30, 2020). In recent weeks, the Parties have continued to make substantial progress in settlement discussions, and are continuing to negotiate particular terms to resolve this matter. The Parties request this additional time in order to reach an agreed resolution.

Specifically, the Parties request that all pending briefing deadlines, discovery, rulings on pending motions, and other actions in this litigation be suspended for the requested stay period. Respondents stipulate that they will continue filing daily testing status reports during the stay period. The Parties further agree that the requested stay is not, in and of itself, to impact BOP’s operations, but rather would be applicable only to this litigation itself.

Dated: October 29, 2020

Respectfully submitted,

/s/ David J. Carey

David J. Carey (0088787)
ACLU of Ohio Foundation
1108 City Park Avenue, Ste. 203
Columbus, OH 43206
Phone: (614) 586-1972
Fax: (614) 586-1974
dcarey@acluohio.org

Joseph Mead (0091903)
Freda J. Levenson (0045916)
ACLU of Ohio Foundation
4506 Chester Avenue
Cleveland, OH 44102
Phone: (614) 586-1972
Fax: (614) 586-1974
attyjmead@gmail.com
flevenson@acluohio.org

David A. Singleton (0074556)
Mark A. Vander Laan (0013297)
Michael L. Zuckerman (0097194)
Ohio Justice & Policy Center
215 East Ninth Street, Suite 601
Cincinnati, OH 45202
Phone: (513) 421-1108
dsingleton@ohiojpc.org
mvanderlaan@ohiojpc.org
mzuckerman@ohiojpc.org

Counsel for Petitioners

JUSTIN E. HERDMAN
United States Attorney

By: /s/ James R. Bennett II (by consent)

James R. Bennett II (OH #0071663)
Sara E. DeCaro (OH #0072485)
David M. DeVito (CA #243695)
Assistant United States Attorneys
United States Courthouse
801 West Superior Ave., Suite 400
Cleveland, Ohio 44113
216-622-3988 - Bennett
216-522-4982 - Fax
James.Bennett4@usdoj.gov
Sara.DeCaro@usdoj.gov
David.DeVito@usdoj.gov

Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2020, the foregoing was filed with the Court's CM/ECF system. Notice of this filing will be sent by operation of that system to all counsel of record.

/s/ David J. Carey
David J. Carey (0088787)

Counsel for Petitioners